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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,470

04/22/2004

Wing Hok Ng

WEN 199

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01/12/2006

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EXAMINER

HARVEY, JAMES R

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/829,470	Applicant(s) NG ET AL.	
	Examiner James R. Harvey	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

- The following claim(s) is/are objected to because of the noted informalities:
 - In reference to Claim(s) 4, the recitation “with both protruded components of the clamp pivot” lacks proper antecedent basis because no protruded component has been introduced into claim 1 from which claim 4 depends. For purposes of examination, it is assumed that the language is intended to mean which mate with respective protruded components of either side of the clamp.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**** Claim(s) 1-3, 5 and 6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (6756764) in view of Sprouse (5166478).**

-- In reference to Claim(s) 1, Smith teaches (column 4, line 28) and also shows (figure 7) detents 36 (equivalent to applicant's protrusions 20) that rest in the grips 22a (equivalent to applicant's recesses 26)

a concave body (see examiner's figure) with an open entrance end and, the interior shape of which matches with the exterior shape of the clamp sheath, a radially and inwardly protruded

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protrusion (see examiner's figure) is provided on opposite sides of the upper portion of the open entrance end respectively, and the protrusions match with the recesses formed on the outer side surface of handgrip portion of the clamp.

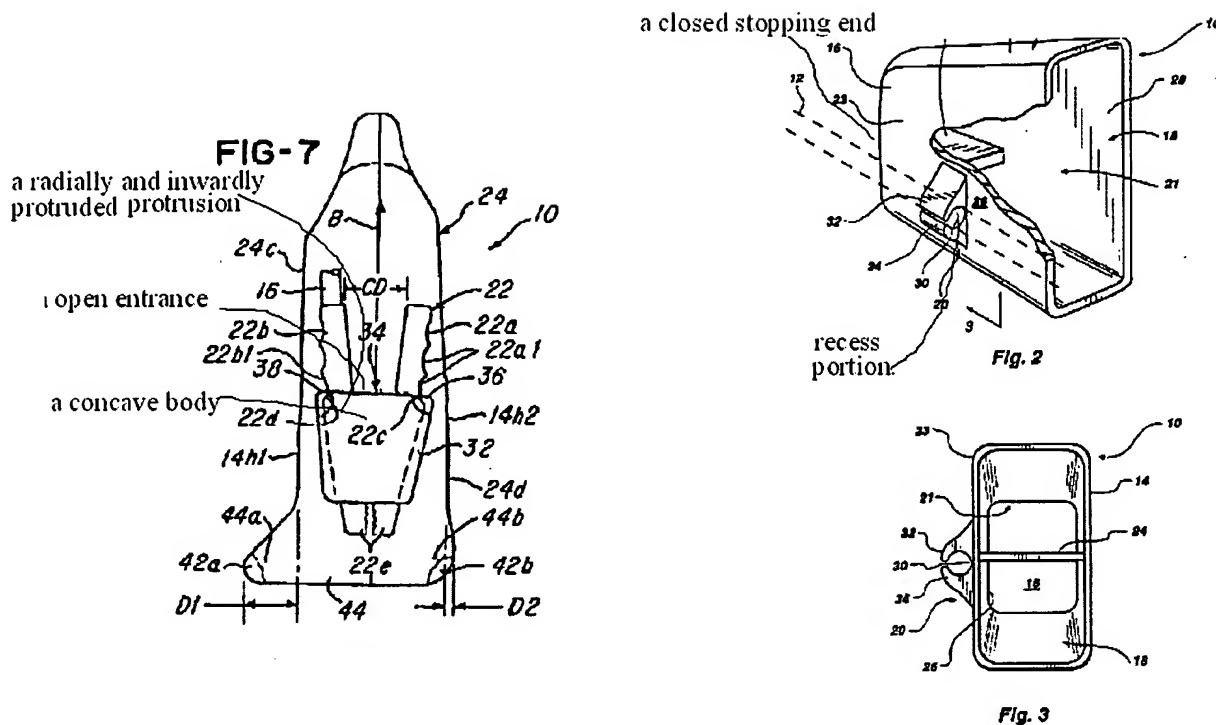
However, Smith does not show a closed stopping end opposite to the open entrance end and wherein at least one of two opposite sides of the upper open entrance end of the body comprises a recess portion.

Sprouse shows (see examiner's figure) a closed stopping end opposite to the open entrance end and wherein at least one of two opposite sides of the upper open entrance end of the body comprises a recess portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Sprouse to improve the invention of Smith.

One skilled in the art would have been motivated to use the teachings of Sprouse because, as taught by Sprouse (abstract, lines 1 and 2), it is important to insulate the live end of clamps to keep users from becoming electrocuted or reducing the possibility of a short.

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-- In reference to Claim(s) 2, Smith shows (figure 2) the recess shape of outer side surface of the handgrip portion of the cable clamp substantially appears as the shape of finger's impression.

-- In reference to Claim(s) 3, Smith as modified by Sprouse shows the recess portion is in the shape of a circle and matches the circle shape of axial pin of Sprouse (figure 1) that protrudes from the exterior surface of the clamp.

-- In reference to Claim(s) 5, Sprouse shows an open circle which is seen to resemble a "U".

** Claim(s) 5-7 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

-- In reference to Claim(s) 6, Smith shows substantially the invention as claimed. However, Smith is silent as to the material choice of the body and the handgrip of the clamp as being made of plastic material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose the material of Sprouse to be plastic, since it has been held to be within the

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general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416 (CCPA 1960). One skilled in the art would have been motivated to choose plastic as the material to make the invention of Smith lighter or to insulate and protect the user from electrical shock.

-- In reference to Claim(s) 5, Sprouse shows an open circle which is seen to resemble a "U". Smith shows (cover sheet) the protruded portion of the clamp pivot is in a disc form (near the lead line of numeral 39).

The meaning of "U" shape is not set forth in the claims and is thus deemed to be so broad that it is seen to have little patentable significance because the number of abstract forms that an object may be made into is substantially infinite.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the form of Smith handle into any form including "U" shape, since the change in form of any element of prior patent must result in more than useful natural phenomenon that man has accumulate through common knowledge; even though use of new device greatly improves field and provides great utility, and commercial success is enjoyed because of long-felt need, these features cannot sustain patentability where involved is only extended application of obvious attributes from prior art. –*Span-Deck Inc. v. Fab-Con, Inc.* (CA 8, 1982) 215 USPQ 835.

One skilled in the art would have been motivated to change the recess into a U shape because it would make it easier to push the cable 12 into or out of the recess.

Response to Arguments

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- Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

- Claim(s) 4 and 7 has(have) allowable subject matter.
- Claim(s) 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show the unique structure of the two other opposite sides of the upper open entrance end of the body each comprises a recess portion respectively, which mate with respective protruded components of either side of the clamp (claim 4). This structure, in combination with all the other elements of the claim is not seen to be anticipated by the prior art and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.
- If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Conclusion

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- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

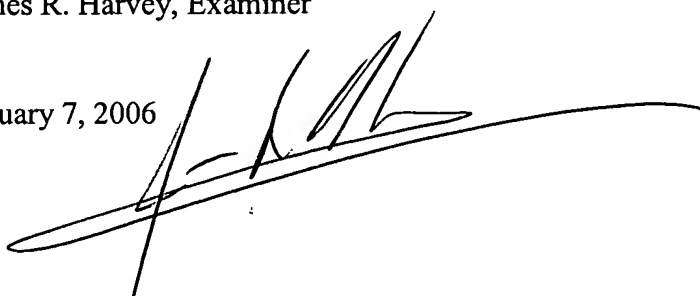
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Effective **October 1, 2003**, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, **(703) 872-9306**, with a few exceptions. *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office 140* (August 29, 2000). For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Harvey, Examiner

jrh
January 7, 2006

A handwritten signature in black ink, appearing to be 'J. R. Harvey', written over a horizontal line.